

PLAINTIFF'S MOTION
EXHIBIT 39

THE JAMAICA HOSPITAL MEDICAL CENTER
DEPARTMENT OF PSYCHIATRY MANUAL

SUBJECT: EMERGENCY ADMISSION STATUS

ISSUED: 4/95

REVIEWED: 9/96, 4/99, 4/00, 4/01, 4/02, 04/03, 04/04, 04/05,
04/06, 4/07, 4/08, 4/09, 4/10

References: New York State Mental Hygiene Law, Title B,
Article 9.39; NYCRR XIV, Sec. 15.2,15.3,15.9.

Policy:

Jamaica Hospital Medical Center will admit appropriate patients in emergency situations under New York State Mental Hygiene Law, Article 9.39, with careful attention to the preservation of their legal rights as well as to their safety.

Patients alleged to have a mental illness for which immediate observation, care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or others, may be admitted under this provision for a period of 15 days.

"Likelihood to result in serious harm' is defined as:

- (1) Substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself; OR
- (2) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm."

The admitting physician must be licensed in New York State.



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Procedure:

1. Following an examination and interviews with other informants which may be available, should the examining physician consider the patient to meet the criteria above, he should certify this finding on Form OMH 474.
2. The admitting doctor will record on OMH Form 474 the names of the people bringing the patient to the hospital, and the circumstances leading to the hospitalization.
3. The admitting doctor will inform the patient and provide him with written notice of his status and rights, using OMH Form 474A. A signed copy of the notice must be placed in the patient's record.
4. The admitting doctor will be responsible for assuring that a second examination of the patient is conducted within 48 hours of admission, for the purpose of confirmation of need for emergency admission. If the admission occurs during routine weekday hours, the admitting doctor will arrange for a psychiatrist with admitting privileges to conduct this second examination immediately. At other times, the admitting doctor is to tell his successor on-call of the necessity of the confirmation examination. Any difficulty in making such arrangements is to be immediately referred to the Chairman or one acting in his behalf.
5. The second examining psychiatrist must inquire of the patient if the patient is willing to convert to voluntary status. Should the patient reject this suggestion, and should the psychiatrist find that the patient does not meet the above criteria for emergency hospitalization, he must immediately contact the Chairman, or one acting in his behalf, prior to completion of page #2 of OMH 474. Should he concur that the patient meets the criteria above for emergency admission, he should proceed to complete page #2 of OMH Form 474.
6. If at any time after admission the patient, a relative or friend, or the MHLs gives written notice to the director of a

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request for a court hearing, the director will immediately deliver to the Supreme Court of Queens County and to the Mental Health Legal Service a copy of the notice and a copy of the patient record.

7. Within fifteen days of admission, the legal status of the patient must be converted to Voluntary, or to Involuntary (under section 9.27, "APPLICATION FOR INVOLUNTARY ADMISSION ON MEDICAL CERTIFICATION") legal status, or discharged. If the patient is converted to Involuntary legal status under Section 9.27, the sixty day period of hospitalization which is authorized is to be regarded as starting at the time the patient was first hospitalized as an emergency admission.